STATE OF MAINE
BOARD OF OVERSEERS OF THE BAR

Fee Arbitration Commission, Panel 3

Charles E. Fuller, III
and
Jeanne Fuller
Petitioners

v.

Nicholas H. Walsh, Esq.
Respondent

AWARD AND DETERMINATION

A hearing in the above matter was held on May 18, 2016, in Augusta, Maine before a duly authorized Fee Arbitration Panel of the Fee Arbitration Commission of the Board of Overseers of the Bar. This Panel was designated to hear the controversy existing between the above named parties as set forth in the Petitioner’s Petition. The members of this Panel were Acting Chair Daniel J. Stevens, Esq.; Nancy Macirowski, AAG; and public member Sandra Hodge. The Petitioners and Respondent were present and testified, as did Petitioners’ expert witness.

Based upon the evidence introduced, and considering the factors set forth in Rule 1.5 of the Rules of Professional conduct, the Panel finds that Respondent’s fees charged to Petitioner were, in part, unreasonable. The Panel finds a reasonable fee (including costs) to be $13,083.79, the amount that Petitioners have already paid Respondent to date. Any fee in excess of that amount is unreasonable and is not awarded to Respondent.

In order to preserve the confidentiality of the written materials and the testimony submitted at the hearing, the findings of fact and conclusions are not set forth in the Award and Determination. This Award and Determination is accompanied, however, by a separate supplemental document which sets forth the findings of facts and conclusions of the Panel. By ruling of the Chair, the attached supplemental document shall not be considered part of the award,
which is a public document. In accordance with Maine Bar Rule 7(h), the supplemental document shall be confidential and shall not be open to the public or disclosed to any person except as otherwise set forth in Maine Bar Rule 7(h).

The Award and Determination is in full settlement of all claims submitted to the Arbitration Panel.

The undersigned has subscribed to this award on May 22, 2016.

Daniel J. Stevens, Esq.
Acting Chair, Panel 3
Fee Arbitration Commission